

SENATE MOTION

MADAM PRESIDENT:

I move that Senate Bill 570 be amended to read as follows:

- 1 Page 1, after line 4 and before line 5, insert:
2 "SECTION 2. IC 9-13-2-30.7 IS ADDED TO THE INDIANA
3 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2005]: **Sec. 30.7. "Commercial mobile radio**
5 **service", for purposes of IC 9-21-21-3, has the meaning set forth in**
6 **IC 36-8-16.5-5.**
7 SECTION 3. IC 9-13-2-49.7 IS ADDED TO THE INDIANA
8 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
9 [EFFECTIVE JULY 1, 2005]: **Sec. 49.7. "Emergency situation", for**
10 **purposes of IC 9-21-21-4, has the meaning set forth in**
11 **IC 9-21-21-4(d)."**
- 12 Page 1, line 5, delete "SECTION 2" and insert "SECTION 4."
- 13 Page 1, after line 8 and before line 9, insert:
14 "SECTION 5. IC 9-13-2-103.3 IS ADDED TO THE INDIANA
15 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
16 [EFFECTIVE JULY 1, 2005]: **Sec. 103.3. "Mobile telephone", for**
17 **purposes of IC 9-21-21, has the meaning set forth in IC 9-21-21-1."**
- 18 Page 1, line 9, delete "SECTION 3" and insert "SECTION 6."
- 19 Page 1, after line 12 and before line 13, insert:
20 "SECTION 7. IC 9-13-2-124 IS AMENDED TO READ AS
21 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 124. (a) "Person"
22 means, except as otherwise provided in this section, an individual, a
23 firm, a partnership, an association, a fiduciary, an executor or
24 administrator, a governmental entity, a limited liability company, or a
25 corporation.
26 (b) "Person", for purposes of IC 9-14-3.5, does not include the
27 state or an agency of the state.
28 (c) "Person", for purposes of IC 9-20-14, IC 9-20-15, and

- 1 IC 9-20-18-13(b), means a mobile home or sectionalized building
2 transport company, mobile home or sectionalized building
3 manufacturer, mobile home or sectionalized building dealer, or mobile
4 home or sectionalized building owner.
- 5 (d) "Person", for purposes of **IC 9-21-21, means an individual.**
- 6 (e) **"Person" for purposes of** IC 9-23, means an individual, a
7 corporation, a limited liability company, an association, a partnership,
8 a trust, or other entity. The term does not include the state, an agency
9 of the state, or a municipal corporation."
- 10 Page 1, line 13 delete "SECTION 4" and insert "SECTION 8."
- 11 Page 1, line 17 delete "SECTION 5" and insert "SECTION 9."
- 12 Page 2, after line 3 and before line 4, insert:
13 "SECTION 10. IC 9-13-2-195.1 IS ADDED TO THE INDIANA
14 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
15 [EFFECTIVE JULY 1, 2005]: **Sec. 195.1. "Use", for purposes of**
16 **IC 9-21-21, has the meaning set forth in IC 9-21-21-2."**
- 17 Page 2, line 4 delete "SECTION 6" and insert "SECTION 11."
- 18 Page 2, after line 7 and before line 8, insert:
19 "SECTION 12. IC 9-13-2-199.1 IS ADDED TO THE INDIANA
20 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
21 [EFFECTIVE JULY 1, 2005]: **Sec. 199.1. "Wireless telephone**
22 **service", for purposes of IC 9-21-21, has the meaning set forth in**
23 **IC 9-21-21-3."**
- 24 Page 2, line 8, delete "SECTION 7" and insert "SECTION 13."
- 25 Page 2, line 15 delete "SECTION 8" and insert "SECTION 14."
- 26 Page 2, line 22 delete "SECTION 9" and insert "SECTION 15."
- 27 Page 3, line 19 delete "SECTION 10" and insert "SECTION 16."
- 28 Page 4, line 6 delete "SECTION 11" and insert "SECTION 17."
- 29 Page 4, line 20 delete "SECTION 12" and insert "SECTION 18."
- 30 Page 4, line 25 delete "SECTION 13" and insert "SECTION 19."
- 31 Page 4, line 29 delete "SECTION 14" and insert "SECTION 20."
- 32 Page 4, line 33 delete "SECTION 15" and insert "SECTION 21."
- 33 Page 5, line 5 delete "SECTION 16" and insert "SECTION 22."
- 34 Page 6, line 38 delete "SECTION 17" and insert "SECTION 23."
- 35 Page 7, line 17 delete "SECTION 18" and insert "SECTION 24."

1 Page 13, line 12 delete "SECTION 19" and insert "SECTION 25."

2 Page 13, line 21 delete "SECTION 20" and insert "SECTION 26."

3 Page 13, line 35 delete "SECTION 21" and insert "SECTION 27."

4 Page 13, line 40 delete "SECTION 22" and insert "SECTION 28."

5 Page 14, after line 3 and before line 4, insert:

6 "SECTION 29. IC 9-21-21 IS ADDED TO THE INDIANA
7 CODE AS A NEW CHAPTER TO READ AS FOLLOWS
8 [EFFECTIVE JULY 1, 2005]:

9 **Chapter 21. Use of Mobile Telephone**

10 **Sec. 1. As used in this chapter, "mobile telephone" means the**
11 **device used by subscribers of a wireless telephone service to access**
12 **the service.**

13 **Sec. 2. As used in this chapter, "use" means using a mobile**
14 **telephone to place or receive a call.**

15 **Sec. 3. As used in this chapter, "wireless telephone service"**
16 **means two-way real time voice telecommunications service that is**
17 **interconnected to a public switched telephone network and is**
18 **provided by a commercial mobile radio service.**

19 **Sec. 4. (a) A person who operates a motor vehicle and**
20 **simultaneously uses a mobile telephone commits a Class B**
21 **infraction.**

22 **(b) Notwithstanding IC 34-28-5-4(b), a judgment of one**
23 **thousand dollars (\$1,000) shall be entered for a violation of**
24 **subsection (a).**

25 **(c) Subsection (a) does not apply to an operator of:**

26 **(1) an authorized emergency vehicle;**

27 **(2) a medical services vehicle;**

28 **(3) a privately owned vehicle when:**

29 **(A) the operator or a passenger in the vehicle is a**
30 **volunteer firefighter en route to the scene of a fire or**
31 **other emergency in the line of duty; and**

32 **(B) a blue light is displayed on the vehicle under**
33 **IC 36-8-12-11; or**

34 **(4) a privately owned vehicle when:**

35 **(A) the operator or a passenger in the vehicle:**

36 **(i) holds a certification within a category of certified**
37 **emergency medical technician;**

38 **(ii) is a certified emergency medical service driver;**
39 **or**

40 **(iii) is a certified emergency medical service first**
41 **responder;**

42 **and is en route to the scene of emergency medical service**
43 **activities in the line of duty; and**

44 **(B) a green light is displayed on the vehicle under**
45 **IC 9-19-14.5-1.**

46 **(d) Subsection (a) does not apply if the mobile telephone is used**

1 in an emergency situation to:

- 2 (1) transmit an emergency call (as defined in
- 3 IC 35-45-2-3(c));
- 4 (2) contact a health care provider (as defined in
- 5 IC 16-18-2-163);
- 6 (3) contact a police and law enforcement system established
- 7 under IC 36-8-2-2; or
- 8 (4) contact a firefighting and fire prevention system
- 9 established under IC 36-8-2-3.

10 As used in this subsection, "emergency situation" means a threat
11 to the safety or security of persons or property.

12 Sec. 5. (a) A person who views a violation of section 4 of this
13 chapter on an interstate highway or a state highway when the
14 operator of the vehicle in which the violation has been observed has
15 not been stopped by a law enforcement officer may report the
16 violation to the state police department or the sheriff's department
17 in the county in which the use occurred in the following manner:

18 (1) The report must include pertinent information regarding
19 the motor vehicle, including the:

- 20 (A) license plate number;
- 21 (B) color; and
- 22 (C) line make;

23 of the motor vehicle.

24 (2) The report must be made to:

- 25 (A) the state police post with jurisdiction; or
- 26 (B) the sheriff's department;

27 in the county in which the use occurred.

28 (b) The name and address of the person making the report in
29 subsection (a) is confidential.

30 (c) Upon receipt of the report in subsection (a), the state police
31 department or the county sheriff's department shall issue a notice
32 to the registered owner of the vehicle stating:

- 33 (1) the particulars of the violation;
- 34 (2) that the offense of operating a motor vehicle while using
- 35 a mobile telephone has been observed; and
- 36 (3) that the offense is a Class B infraction for which the fine
- 37 is one thousand dollars (\$1,000).

38

39 (d) A court may not enter a judgment for a violation of section 4 of
40 this chapter based solely on a report made under this section."

41 Renumber all SECTIONS consecutively.

42 (References made to Bill printed February 4, 2005)

Senator ANTICH-CARR